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MMA**FILED**
ALBRECHT
BURG, PA

SEP 27 2002

J. MEA, CLERK

PHILLIPS-VAN HEUSEN CORP.,	:	CIVIL ACTION
Plaintiff		
-against-		NO. 1:CV00-0665
J.V.E. Co., Inc. (a/k/a Japan Vehicle Equipment Co., U.S.A., Inc.)	:	(Judge Sylvia H. Rambo)
Defendant		
and		THIRD CIRCUIT COURT OF APPEALS DOCKET NO. 02-3577
MITSUI O.S.K. LINES LTD., and	:	
DAMPSKIBSSELSKABET AF 1912 AKTIESELSKAB and AKTIESELSKABET DAMPSKIBSSELSKABET SVENDBORG, Defendants/Third Party Plaintiffs,	:	
- against -		
KELLAWAY TRANSPORTATION, INC., KELLAWAY INTERMODAL & DISTRIBUTION SYSTEMS, KELLAWAY INTERMODAL SERVICES, INC. and KELLAWAY TERMINAL SERVICES, INC.,	:	
Third Party Defendants.		

NOTICE OF CROSS-APPEAL AND APPEAL

Third-party defendant Kellaway filed a Notice of Appeal in the captioned matter on September 13, 2002, docketed at 02-3577.

Notice is hereby given that Phillips-Van Heusen Corporation, plaintiff in the above case, hereby cross-appeals and appeals to the United States Court of Appeals for the Third Circuit from the Memorandum Findings of Fact and Conclusions of Law originally entered in this action by the Honorable Sylvia Rambo on the 14th day of August 2002 (a copy of which is attached hereto), to the extent that appropriate damages for market value were not awarded.

Respectfully submitted,

HECKER BROWN SHERRY AND JOHNSON LLP

BY:

Carl H. Delacato, Jr.
CARL H. DELACATO, JR.
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(215) 665-0400
Attorney for Plaintiff,
Phillips-Van Heusen Corporation

MATTIONI, LTD.

BY:

George R. Zacharkow gczk, Jr.
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399 Market Street, Second Floor
Philadelphia, PA 19106
(215) 629-1600
Attorney for Plaintiff,
Phillips-Van Heusen Corporation

Dated: September 26, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing Notice of Cross-Appeal and Appeal of plaintiff Phillips-Van Heusen Corporation was served on all counsel of record via first class mail postage pre-paid addressed as follows:

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Harrisburg, PA 17107

Carl H. Delacato, Jr.

Carl H. Delacato, Jr.

Dated: September 26, 2002

**INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA**

Phillips-Van Heusen Corp

DISTRICT COURT NO. 1:00-CV-665

Plaintiff

Vs

Mitsui O.S.K. Lines Ltd., Dampskeibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskeibsselskabet Svendborg,

CT. OF APPEALS NO. _____

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

Third Party Defendants

NOTICE OF APPEAL FILED**COURT REPORTER(S) Vicki Fox****FILING FEE:**NOTICE OF APPEAL X PAID ____ NOT PAID ____ SEAMANDOCKET FEE X PAID ____ NOT PAID ____ USA**CJA APPOINTMENT: (Attach Copy of Order)**

- PRIVATE ATTORNEY
 DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER
 MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

- MOTION GRANTED (IN FIRST INSTANCE)
 MOTION DENIED (IN FIRST INSTANCE)
 MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

- GRANTED
 DENIED
 PENDING

COPIES TO:

Judge Sylvia H. Rambo
Carl H. Delacato, Jr., Esq.
George R. Zachardow, Esq.
David P. Thompson, Esq.
Charles W. McCammon, Esq.
Ann-Michele G. Giggins, Esq.

James A. Wescoe, Esq.
Eileen C. Tannenbaum, Esq.
Patrick J. Keenan, Esq.
Douglas B. Marcello, Esq.
Richard Q. Whelan, Esq.
William E. Ecenbarger, Jr., Esq.

Date: September 30, 2002

PREPARED BY: /s/ Mark J. Armbruster
Deputy Clerk



MARY E. D'ANDREA
Clerk of Court

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

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Internet Address: www.pamd.uscourts.gov

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE:

Phillips-Van Heusen Corp
Vs
Mitsui O.S.K. Lines Ltd., Dampskeibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskeibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

USDC NO: 1:00-CV-665

USCA NO:

**E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1**

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

**Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet
available through RACER.**

X _____
**Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and
Docket Sheet available through RACER.**

**The Clerk's Office hereby certifies the record and the docket sheet available
through RACER to be the certified list in lieu of the record and/or the certified copy of the
docket entries.**

Very truly yours,

s/ Mark J. Armbruster

Deputy Clerk